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EXAMINER	
VETTER, DANIEL	
ART UNIT	PAPER NUMBER
3628	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/800,414	SMITH, CARLINE	
	Examiner	Art Unit	
	Daniel P. Vetter	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 October 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of the Claims

1. Claims 1-11 were previously pending in this application. Claim 1 was amended in the reply filed October 22, 2007. Claims 1-11 are currently pending in this application.

Response to Arguments

2. In response to applicant's arguments, the recitation "via an automated interactive voice response system" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

3. Applicant argues on page 8 pf the remarks with respect to claim 1 that Pugliese does not teach the newly added limitation that the identification data is "caller-provided"; however this limitation is taught by Pugliese at least at ¶ 0011 ("The airline reservation operator, who answers the call, provides flight availability information. Once the passenger elects to reserve passage, personal information is obtained. This personal information is basically the passenger's personal identification . . . .) (emphasis added). Accordingly, this argument is unpersuasive.

4. Applicant argues on page 9 of the remarks with respect to claim 4 that "Pugliese does not disclose that callers may provide voice responses to an automated system." This argument is unpersuasive. Examiner respectfully disagrees with applicant's interpretation of the Pugliese reference and the plain meaning of the limitations

positively recited in the disputed claims. Pugliese states that the user utilizes vocal responses at least at ¶ 0011 (the user telephonically provides I.D. number, name, address, after request from the operator), and that the reservations system is automated in character (". . . credit card account, which is automatically accessed while the passenger is on the telephone line," ¶ 0040 (emphasis added)). Accordingly, as claim 4 is silent with respect which parts of the reservations system are automated, examiner maintains that this rejection is proper.

5. Applicant argues on pages 9-10 of the remarks with respect to the rejection of claim 9 under § 103(a) that "one of ordinary skill in the art would lack the motivation to combine the voice recognition unit disclosed by Nemirofsky with the traditional operator-answered call center of the Pugliese system." This argument is unpersuasive because in this case, it would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate that the identification data is voice data into the method taught by Pugliese in order to use a voice recognition unit as a means of access (as taught by Nemirofsky; ¶ 0037; and provided in the previous Office action). A voice recognition unit used in Pugliese's system would solve a problem such as a visually-impaired user that is unable to follow on-screen directions or use a keypad. This modification could be done by methods well-known at the time of invention by one having ordinary skill in the art and leads to the predicable result of allowing the system another method of interacting with the user, thereby increasing its usefulness. Moreover, adding the ability to identify voice data to the system of Pugliese would lead to the additional predictable result of allowing for an additional means of identifying/authenticating a user by a biometric input (such as the fingerprint or retina scan explicitly contemplated by Pugliese, ¶ 0083).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5, 7-8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Pugliese, et al., U.S. Pat. Pub. No. 2001/0016825 (Reference A of the PTO-892 part of paper no. 20070406).

8. As per claim 1, Pugliese teaches a method of providing automated reservations via an automated interactive voice response system comprising the steps of: authenticating a user utilizing one or more forms of caller-provided identification data to access an awards account (¶¶ 0011, 74); acquiring itinerary data from said user (¶ 0067); querying an itinerary database with said itinerary data (¶¶ 0040, 0081); providing to said user a plurality of itineraries (¶ 0040); allowing a user to select an itinerary from said plurality of itineraries (¶ 0040); querying an awards database to determine if said user has sufficient awards in said awards account (¶ 0074); and acquiring payment information from said user for said selected itinerary (¶ 0040). Pugliese does not explicitly teach that the querying is for said selected itinerary; however this difference is only found in a statement of intended use of the querying step. A statement of intended use is only given patentable weight to the extent that it imparts structural differences to the invention from the prior art. Because the teachings of Pugliese are capable of performing the intended use of the querying step, it meets the limitations of the claim.

9. As per claim 2, Pugliese teaches the method of claim 1 as described above. Pugliese further teaches confirming said selected itinerary (¶ 0068).

10. As per claim 3, Pugliese teaches the method of claim 1 as described above. Pugliese further teaches placing said selected itinerary on hold (¶ 0067); and providing said user a reference number indicative of said itinerary (Abstract).

11. As per claim 4, Pugliese teaches the method of claim 1 as described above. Pugliese further teaches said user interacts with said automated reservations system utilizing vocal responses (¶¶ 0011, 40 - teaches use of a telephone).

12. As per claim 5, Pugliese teaches the method of claim 1 as described above. Pugliese further teaches assigning seats to said user for said selected itinerary (¶ 0051).

13. As per claim 7, Pugliese teaches the method of claim 1 as described above. Pugliese further teaches said itinerary data includes one or more of the group consisting of a departure date, an arrival date, a departure time, an arrival time, departure location, arrival destination, number of passengers, class of service, and seating preference (¶ 0067).

14. As per claim 8, Pugliese teaches the method of claim 1 as described above. Pugliese further teaches said identification data is biometric data (¶ 0068).

15. As per claim 10, Pugliese teaches the method of claim 1 as described above. Pugliese further teaches wherein said identification data is at least one of the group consisting of a user's name, a personal identification number, a social security number, a telephone number, a birth date, and a frequent flyer number (¶ 0044).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

17. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pugliese, et al. in further view of Trader, et al., U.S. Pat. No. 5,854,837 (Reference B of the PTO-892 part of paper no. 20070406).

18. As per claim 6, Pugliese teaches the method of claim 1 as described above. Pugliese further teaches that the user speaks to an operator (¶ 0040) but does not explicitly teach that the user is transferred to the operator upon request. Trader teaches the user is transferred to the operator upon request (column 1, line 23). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the user is transferred to the operator upon request into the method taught by Pugliese in order to give the user additional help or information (as taught by Trader; column 1, line 24).

19. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pugliese, et al. in view of Nemirofsky, et al., U.S. Pat. Pub. No. 2004/0107136 (Reference C of the PTO-892 part of paper no. 20070406).

20. As per claim 9, Pugliese teaches the method of claim 8 as described above. Pugliese does not teach that the identification data is voice data. Nemirofsky teaches that the identification data is voice data (¶ 0037). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate that the identification data is voice data into the method taught by Pugliese in order to use a voice recognition unit as a means of system access (as taught by Nemirofsky; ¶ 0013).

21. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pugliese, et al. in view of Lambert, et al., U.S. Pat. No. 6,282,649 (Reference D of the PTO-892 part of paper no. 20070406).

22. As per claim 11, Pugliese teaches the method of claim 1 as described above. Pugliese does not teach said awards database is a look-up table. Lambert teaches said awards database is a look-up table (column 1, line 58). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate said awards database is a look-up table into the method taught by Pugliese in order to identify a user and his/her access authority (as taught by Lambert; column 1, lines 58-60).

Conclusion

23. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P. Vetter whose telephone number is (571) 270-1366. The examiner can normally be reached on Monday through Thursday from 8am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JOHN W. HAYES
SUPERVISORY PATENT EXAMINER